

ORDER

Now pending before the court in the above-captioned case is Defendant Thomas Turczyn's Rule 11 Motion Against Plaintiff and Its Counsel of Record (ECF No. 21). Plaintiff Global Manufacturing Associates, Inc. ("Plaintiff" or "Global") brought the instant suit against Defendants Buckwing Products Inc., Glenn Lindaman, Thomas Turczyn ("Turczyn"), and Susquehanna Bank (collectively, "Defendants"), asserting claims of fraud, rescission, and declaratory judgment. The parties sought to resolve this dispute through mediation and negotiations; however, the parties indicated to the court on February 26, 2009, that such efforts were unsuccessful. Defendant Turczyn was largely uninvolved in these negotiations. On March 3, 2009, he filed the instant Rule 11 Motion, asserting that sanctions against Plaintiff and counsel are appropriate for the following reasons: (1) Global's claims against him are presented for an improper purpose; (2) the law does not support these claims; (3) Global lacks evidentiary support; and (4) Global continues to assert meritless claims despite knowing that they are neither supported by law nor fact. One week after

the filing of the Motion, Plaintiff voluntarily dismissed all claims against Defendants without prejudice.

The court then referred the instant Motion to Magistrate Judge Nancy A. Vecchiarelli for preparation of a Report and Recommendation. Magistrate Vecchiarelli recommends that the court deny Defendant Turczyn's Rule 11 Motion. She found first that there was no support to the allegation that Plaintiff pursued his claims against Turczyn for an improper purpose. Additionally, she found that while Plaintiff had failed to state a claim against Turczyn, counsel did not act so unreasonably that he violated Rule 11.

After *de novo* review, the court finds that the Magistrate Judge's conclusions are fully supported by the record and controlling case law. Additionally, as of the date of this Order, Defendant Turczyn failed to object to the recommendation. The court therefore adopts the Report and Recommendation (ECF No. 46), and denies Defendant Turczyn's Rule 11 Motion against Plaintiff and its Counsel of Record (ECF No. 42).

IT IS SO ORDERED.

/s/ SOLOMON OLIVER, JR.  
UNITED STATES DISTRICT JUDGE

February 16, 2010